

Congress of the United States
House of Representatives
Washington, DC 20515-2107
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The Honorable Jon Leibowitz, Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20001

Dear Chairman Leibowitz:

According to a report this week in Wired magazine ("Researcher's Video Shows Secret Software on Millions of Phones Logging Everything", November 29, 2011), a technology researcher has revealed how software secretly installed on millions of mobile phones tracks nearly every keystroke users make and then sends the data back to a software company.

According to the story, software developed by Carrier IQ, a cell phone monitoring company, has been installed on most modern Android, Blackberry, and Nokia phones. The software chronicles each click users make and reports that information back to Carrier IQ. The article states, "Carrier IQ software secretly installed on millions of mobile phones reports most everything a user does on a phone."

This software raises a number of privacy concerns for Android, Blackberry, and Nokia users. Consumers neither have knowledge of this data collection, nor what Carrier IQ intends to do with this information. As a co-Chair of the Congressional Bi-Partisan Privacy Caucus, I am a concerned that this practice violates the privacy rights of consumers.

In an effort to protect consumers, I am interested in any actions the Federal Trade Commission (FTC) has taken or plans to take to investigate the installation of software that secretly tracks and reports back the activities of cell phone users. I believe an investigation of this practice would fall within the FTC's mandate as stipulated in Section 5 of the Federal Trade Commission Act with respect to protecting Americans from "unfair or deceptive acts or practices".

Thank you for your attention to this important matter. Please provide responses to these questions no later than December 20, 2011. If you have any questions, please have a member of your staff contact Joseph Wender at 202-225-2836.

Sincerely,



Edward J. Markey
Co-Chairman
Congressional Bi-Partisan Privacy Caucus